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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BERNADETTE EILEEN KEY, an individual,

Plaintiff,

v.

HNJ MIRACLE MILE L.L.C., a Domestic
Limited-Liability Company; DOE EMPLOYEES
OF HNJ MIRACLE MILE L.L.C.; DOES I
through X; and ROE Corporations I through X,
inclusive,

Defendants.

CASE NO. 2:21-cv-01354-JCM-EJY

**STIPULATION AND ORDER
REGARDING FRCP 35 MEDICAL
EXAMINATION OF PLAINTIFF
BERNADETTE EILEEN KEY**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff
BERNADETTE EILEEN KEY ("Plaintiff") and Defendant HNJ MIRACLE MILE L.L.C., by
and through their undersigned counsels of record, as to the terms of the medical examination of
Plaintiff BERNADETTE EILEEN KEY (hereinafter "Plaintiff") pursuant to FRCP 35 as
follows:

1. The medical examination pursuant to FRCP 35 (the "Examination") shall be
conducted by Mark Rosen, M.D. on January 13, 2022, at 1:15 p.m. located at Mark Rosen,
M.D.'s office located at 2680 Crimson Drive, Las Vegas, NV 89128. Plaintiff must present a
photo ID and will be asked to sign-in with Mark Rosen, M.D.'s staff.

2. Any and all paperwork that Plaintiff is required to complete as a part of the examination, including but not limited to intake forms and medical histories, shall be provided to Plaintiff at least two weeks prior to the examination.

3. Plaintiff will not be made to wait for the examination to begin for more than 120 minutes. However, should Plaintiff be made to wait 120 minutes, Plaintiff's counsel will contact Defendant's counsel so that Defendant's counsel can make a good faith effort to remedy the issue regarding Plaintiff's extended wait time.

4. The examining physician and/or his staff may ask Plaintiff how the incident occurred.

5. No other party, or representative thereof, may be present at the examination.

6. No other medical professional, including physicians, surgeons, or chiropractors, may be present at or participate in the examination. However, if necessary, members of the examining physician's staff may be used to assist in the examination.

7. No CT Scans, MRI's, X-rays, or other diagnostic imaging shall be performed on Plaintiff in the course of the examination.

8. No recording audio or visual shall be performed on Plaintiff in the course of the examination.

9. The examining physician shall not engage in ex parte contact with Plaintiff's treating health care providers.

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10. The examining physician will retain and produce any materials related to the examination required under the Federal Rules of Civil Procedure.

DATED this 18th day of November 2021.

DATED this 18th day of November 2021.

GINA CORENA & ASSOCIATES

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER

/s/ Betsy C. Jefferis-Aguilar

/s/ Gregory M. Schulman

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Attorneys for Plaintiff

Gregory M. Schulman, Esq.
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Las Vegas, NV 89101-5315
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated this 19th day of November, 2021.


UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by

GINA CORENA & ASSOCIATES

/s/ Betsy C. Jefferis-Aguilar

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